IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

Bail Appl..No. 51 of 2007()

CRIME NO.186/03 OF ALATHUR POLICE STATION.
C.C.745/03 OF JFCM, ALATHUR.

: PETITIONER/ACCUSED

BABU KUMAR, SON OF KUMARAN,
NAMBIAMTHURUTHIL, KANDANADU,
UDAYAMPERUR, TRIPUNITHURA.

BY ADV. SRI.S.M.PREM

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 51 OF 2007

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DATED THIS THE 9th DAY OF JANUARY, 2007

O R D E R

Petitioner who is the accused in Crime No.186/03 of Alathur Police Station for offences punishable under sections 279 and 338, seeks anticipatory bail.

2. The petitioner was enlarged on bail at the crime stage. Presumably, consequent on his non-appearance before the J.F.C.M., Alathur, where the case is pending as C.C.No.745/03, his bail was cancelled and non-bailable warrants of arrest are pending against him. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. Moreover, the offences are also bailable offences for which 438 Cr.P.C. cannot be invoked. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of on merits, preferably on the same date on which it is filed without being inhibited by the warrants, if any, issued against him.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn